IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 524/2006
(Shiv Giri Vs. State of Rajasthan)

Date of Order : 06/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

None present for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

The matter was listed before this Court on 5.9.2006, no one appeared for the petitioner. Today also, no one appears for the petitioner despite repeated calls.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 01.10.2005 passed by Additional Sessions Judge No.2, Jodhpur (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 31.5.2005 passed by Additional Chief Judicial Magistrate No.2, Jodhpur (for short 'the trial court' hereianfter) was dismissed.

By order dated 31.5.2005, the trial court dismissed the protest petition and accepted the negative final report filed

by the police. That order came to be challenged by the petitioner before the revisional court and the revisional court on examination of the record of the trial court also came to the conclusion that there is no ground to proceed against the persons named in the protest petition and therefore, dismissed the revision petition. Both the courts below concurrently found that there is no material to proceed against the persons named in the FIR and the protest petition. In my view, both the courts below were justified keeping in view the evidence available on record as the matter appears to be purely of a civil nature and there appears to be no criminal intent. It cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of the Court.

The petition has no force and is therefore, dismissed.

(H.R.PANWAR),J.

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